

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**GEMCRAFT HOMES, INC.,**

Plaintiff,

**v.**

**CIVIL ACTION NO: 3:14-cv-14  
(JUDGE GROH)**

**GEORGE MORGAN, JR., MICHELLE  
MORGAN, individually and as  
Next-of-Friend for G.M., M.M., and L.M.;**

**BRITTANY BECK, individually and as  
Next-of-Friend for A.P., K.P., and A.P.;**

**WAYNE CRISSMAN and KELLY BITTNER,**

**DAVID HAINES, MELINDA HAINES,  
Individually and as Next-of-Friend for  
N.H., C.H., and A.H.;**

**JASON MONTGOMERY, JENNIFER  
MONTGOMERY, individually and as  
Next-of-Friend for W.M.;**

**PHILLIP NORTH, CASSANDRA NORTH,  
Individually and as Next-of-Friend for J.R.;**

**ARTHUR PIERCE;**

**MATTHEW SCHWARZ, GERMAINE  
GAUTHIER-SCHWARZ, individually and  
as Next-of-Friend for G.S. and A.S.;**

**NORTH STAR FOUNDATION, INC.;**  
**PROFESSIONAL PLUMBING AND HEATING, LLC;**  
**HALL MECHANICAL & ASSOCIATES, INC.;**  
**and GENERAL & MECHANICAL SERVICES, LLC,**

Defendants.

## **ORDER GRANTING PLAINTIFF'S MOTION TO EXCEED PAGE LIMITATION**

Currently pending before the Court is the Plaintiff's motion [Doc. 162] requesting leave to file a thirty-two page memorandum supporting a summary judgment motion. The Plaintiff asserts that it needs a lengthier memorandum given the complexities of the application of the Fourth Circuit's conduct test to each Defendant, the bankruptcy case underlying this action, and constitutional due process considerations. The Plaintiff has attached its Motion for Declaratory Summary Judgment and supporting memorandum for entry should the Court grant the instant motion.

A memorandum supporting a motion may not exceed twenty-five pages. N.D.W. Va. L. R. Civ. P. 7.02(a). "[F]or good cause shown," a court may allow a supporting memorandum to exceed this limit. *Id.* Memoranda exceeding page limits, however, are the exception, not the rule. See Dag Petroleum Suppliers, LLC v. BP P.L.C., Civil Action No. 1:05cv1323, 2006 WL 2345908, at \*2 (E.D. Va. Aug. 9, 2006) (denying excess pages because "conclusory references to the complexity of this case [were] an utterly insufficient basis to waive the page limitations imposed by the local rules"). Indeed, the twenty-five page limit is "sufficient except in the most extraordinary circumstances." Surrett v. Consol. Metco, Inc., Civil Action No. 1:11cv106, 2012 WL 1340548, at \*3 (W.D.N.C. Apr. 18, 2012).

Here, the Court finds good cause to allow the Plaintiff to exceed the page limit. Given the complexity of this matter and the number of Defendants involved, this request presents a rare circumstance where excess pages are appropriate. Accordingly, the Court **GRANTS** the Plaintiff's Motion to Exceed Page Limitation. The Court **DIRECTS** the Clerk to file the Plaintiff's Motion for Declaratory Summary Judgment, the Plaintiff's Memorandum

of Law in Support of Declaratory Summary Judgment, and the accompanying exhibits, which are attached to the Motion to Exceed Page Limitation as attachments 1 through 12.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

It is so **ORDERED**.

**DATED:** August 26, 2014

  
GINA M. GROH  
UNITED STATES DISTRICT JUDGE